



Environmental Fact Sheet

EPA EXPANDS COMPREHENSIVE PROCUREMENT GUIDELINES (CPG)

As part of its continuing program to promote the use of recovered materials, the Environmental Protection Agency (EPA) is expanding the government buy-recycled program by adding 12 new items to its CPG, which will make a total of 36 recycled content items designated for procurement. EPA issued the CPG and related Recovered Materials Advisory Notice (RMAN) in May 1995. The CPG designated 24 items in seven product categories containing recycled content that government procuring agencies are required to purchase. The RMAN provides recommendations for purchasing the products designated in the CPG. The 1995 CPG and RMAN covered: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, and nonpaper office products. Guidelines for paper and paper products were revised in May 1996.

Categories and Designated Items

(Items in bold are designated in CPG II)

Paper and Paper Products

Vehicle Products

- Engine Coolants
- Re-refined Lubricating Oils
- Retread Tires

Construction Products

- Building Insulation Products
- Carpet
- Cement and Concrete Containing
 - Coal Fly Ash and Ground Granulated
 - Blast Furnace Slag

Consolidated and Reprocessed

Latex Paint

- Floor Tiles
- Patio Blocks
- Shower and Restroom Dividers**
and Partitions

- Structural Fiberboard
- Laminated Paperboard

Transportation Products

- Channelizers**
- Delineators**
- Flexible Delineators**

Parking Stops

- Traffic Barricades
- Traffic Cones

Park and Recreation Products

Plastic Fencing

- Playground Surfaces
- Running Tracks

Landscaping Products

Garden and Soaker Hoses

- Hydraulic Mulch
- Lawn and Garden Edging**
- Yard Trimmings Compost

Non-Paper Office Products

- Binders
- Office Recycling Containers
- Office Waste Receptacles
- Plastic Desktop Accessories

Plastic Envelopes

- Plastic Trash Bags

Printer Ribbons

- Toner Cartridges

Miscellaneous Products

- Pallets**

In section 6002 of the Resource Conservation and Recovery Act (RCRA), Congress directed government agencies to promote recycling by increasing their purchases of products containing recovered materials. RCRA requires EPA to designate products that can be made with recovered materials and to recommend practices for buying these products. Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable.

President Clinton reinforced RCRA's buy-recycled components when he issued Executive Order 12873, requiring Federal agencies to establish an affirmative procurement program for EPA - designated items purchased by the agencies.

Who Is Required to Buy Recycled Products?

Under RCRA, the requirement to purchase an EPA-designated product containing recovered materials applies to procuring agencies that spend more than \$10,000 a year on that item. What is a "procuring agency"? Procuring agencies are federal, state, and local agencies, and their contractors, that use appropriated federal funds. For example, if a county agency spends more than \$10,000 a year on an EPA-designated item, and part of that money is from appropriated federal funds, then the agency must purchase that item made from recovered materials.

Purchases unrelated or incidental to the purpose of federal funding are not subject to these requirements. When it is not apparent that the guidelines apply to a purchase, EPA encourages procuring agencies to follow the guidelines to help expand markets for products made from recovered materials.

What Is an Affirmative Procurement Program?

Affirmative procurement -- or buy-recycled program -- is an agency's strategy for maximizing its purchases of EPA-designated items. These programs should assure that procured items are composed of as much recovered material as possible. Programs should be flexible enough to incorporate newly designated items, and must consist of the following components:

- A recovered materials preference program;
- An agency promotion program;
- A program for requiring vendors to reasonably estimate, certify, and verify the recovered materials content of their products; and
- A program to monitor and annually review the effectiveness of the affirmative procurement program.

Additionally, within one year following EPA designation of items, procuring agencies must revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of items.

The May 1995 RMAN provides general guidance for developing affirmative procurement programs. Each RMAN provides recommendations for purchasing the designated items, including recovered materials content levels and specifications.

Preference Program

A *preference program* is the system by which an agency implements its stated preference for purchasing products containing recovered materials. RCRA identifies three options for preference programs:

- ▶ **Minimum Content Standards** specify the minimum amount of recovered materials that designated items should contain. EPA recommends ranges of recovered materials content that are currently available, and procuring agencies should establish their own standards based on these ranges.
- ▶ **Case-by-Case Policy Development** is used when a procuring agency determines that minimum content standards are inappropriate for a specific procurement action. This option allows the procuring agency to establish a separate recovered materials content requirement for the specific procurement action, while still enabling the agency to procure the designated product with the highest amount of recovered materials practicable.
- ▶ **Substantially Equivalent Approaches**, such as establishing service contracts for product remanufacturing, are used when minimum content standards are inappropriate. For example, procuring agencies may establish service contracts for remanufacturing toner cartridges.

Promotion Program

Agencies must actively advertise their desire to buy recycled products, both within their organizations and to product vendors. Internal promotion usually is a broad-based employee education program that affirms an agency's procurement policy through advertising, workshops, agency newsletters, and technical and staff manuals. Examples of external promotion include publishing articles in trade journals, participating in vendor shows or trade fairs, placing statements in bid solicitations, and discussing an agency's procurement policy at bidders' conferences.

Estimation, Certification, Verification, and Monitoring

Agencies must establish procedures for estimating, certifying, and, where appropriate, reasonably verifying the amount of recovered materials content used in a product. Programs also must be monitored and tracked to ensure that they are fulfilling their requirements to purchase items composed of recovered materials.

May an Agency Purchase EPA-Designated Items that Do Not Contain Recovered Materials?

Agencies may elect not to purchase designated items when: the cost is unreasonable; inadequate competition exists; items are not available within a reasonable period of time; or items do not meet reasonable performance specifications.

Does the Federal Acquisition Regulation (FAR) Address Purchasing of Products Designated in the CPG?

Under RCRA section 6002, purchasing of EPA-designated items must be consistent with other federal procurement requirements. The FAR is the primary regulation used by Federal executive agencies in their acquisition of supplies and services. On August 22, 1997 (62 FR 44809), the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council issued a final rule amending the FAR to reflect the Federal government's preference for the acquisition of environmentally sound and energy-efficient products and services and to incorporate the requirements of RCRA section 6002 and Executive Order 12873. The FAR revisions include

solicitation provisions, clauses for obtaining certifications and estimates of recovered materials content from contractors, and a requirement that agencies establish an affirmative procurement programs for EPA-designated items.

Are Items Designated in the CPG Environmentally Preferable Products?

Executive Order 12873 directs Federal agencies to identify and purchase environmentally preferable products, which are products that have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose. Generally, multiple attributes are considered when purchasing environmentally preferable products, including energy use; conservation of resources; impacts on air, water, and land; and use of toxic or hazardous constituents. Products containing recovered materials have one of the attributes considered for environmentally preferable products.

For More Information

The *Federal Register* notices containing CPG I and II, RMAN I and II, and the Paper Products RMAN are available in electronic format on the Internet System through the EPA Public Access Server at www.epa.gov/fedrgster. The Federal Register citations are as follows: CPG I - 60 FR 21370, May 1, 1995; RMAN I - 60 FR 21386, May 1, 1995; Paper Products RMAN - 61 FR 26986, May 29, 1996; CPG II - 62 FR 60961, November 13, 1997; and RMAN II- 62 FR 60995, November 13, 1997.

For copies of fact sheets, product manufactures lists, and additional supporting information, go to <http://www.epa.gov/epaoswer/non-hw/procure.htm>. For additional information or to order paper copies of any documents, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.